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SUBJECT: INTERNATIONAL MARITIME ORGANIZATION (IMO): REPORT OF THE 55TH SESSION OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC), LONDON, 9 - 13 OCTOBER 2006.

I1. SUMMARY: The 55th Session of IMO's MEPC convened 9-13 October 2006 under the chairmanship of Mr. A. Chrysostomou (Cyprus). The meeting was attended by 86 members, one associate member, one country not a member of IMO (Cook Islands), six United Nations agencies, eight intergovernmental organizations, and 33 non-governmental organizations. All achievable U.S. objectives were achieved. Items of particular note were:

I1A. A discussion on the oil spill in the Mediterranean Sea which impacted the shorelines of Lebanon and Syria this past July. The Secretary General acknowledged the countries and institutions,

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including the U.S., which provided assistance to the massive response efforts.

I1B. Adoption of an MEPC circular on the eight Unified Interpretations (UI) concerning implementation of MARPOL annex VI and the NOx technical code and related implementation issues.

I1C. Adoption of five guidelines under the ballast water management convention: G1 - Guidelines for Sediment Reception Facilities, G5 - Guidelines for Ballast Water Reception Facilities, G11 - Guidelines for Ballast Water Exchange Design and Construction Standards, G12 - Guidelines on Design and Construction to Facilitate Sediment Control on Ships, and G14 - Guidelines on Designation of Areas for Ballast Water Exchange.

I1D. Completion of a review of technology under the Ballast Water Management Convention resulted in the decision to make no changes to the dates and discharge standard of the Convention as the technology is likely to be available. The committee agreed to conduct another review of technology at MEPC 56.

I1E. Agreement to grant basic approval to active substance proposals for a special pipe ballast water management system combined with ozone treatment, submitted by Japan, and for the ectosys electrochemical system, submitted by Sweden. A submission for basic approval to use ozone as an active substance by the republic of Korea was not approved. END SUMMARY.

I2. BALLAST WATER - A ballast water review group (BWRG) met under the chairmanship of the UK (Brian Elliot) to consider the availability of technologies for meeting the requirements of regulation D-2 of the Ballast Water Convention: the ballast water discharge standard. The BWRG considered information on 15 technologies submitted by members to MEPC 55 as well as the information submitted to the previous review at MEPC 53.

I2A. Following extensive discussion, the group concluded that type-approved ballast water management systems will likely be available for installation on vessels prior to the first applicable

date of the Convention. The group identified several issues, notwithstanding this conclusion, that could delay the availability of technologies. Several delegations expressed concern that such uncertainties create problems for ship owners, and the group put forward two potential options for alleviating those concerns (amending the Convention, granting exemptions). The U.S. delegation questioned the legality of both of these options. The committee noted the recommended options, and agreed to request that the legal office of the organization provide an opinion on the availability of the options. The committee also invited member administrations and non-governmental organizations to recommend that owners allow for technology (or its footprint) in ship designs and submit information to the committee regarding:

- (1) the availability, capability, capacity, and accreditation of land-based testing facilities;
- (2) the estimated number of vessels in the first category to which the convention applies;
- (3) the biological efficacy of systems in meeting the D-2 standard, and any problems related to the type approval procedures adopted by the organization; and
- (4) suitable emission scenario documents.

¶B. Five guidelines under the Ballast Water Management Convention were adopted: G1 - Guidelines for Sediment Reception Facilities, G5 - Guidelines for Ballast Water Reception Facilities, G11 - Guidelines for Ballast Water Exchange Design and Construction Standards, G12 - Guidelines on Design and Construction to Facilitate Sediment Control on Ships, and G14 - Guidelines on Designation of Areas for Ballast Water Exchange. G13 - Guidelines for Additional Measures Including Emergency Situations - was not adopted despite U.S. support for adoption, but was deferred to BLG 11. The work on G13 at BLG 11 will be narrowly focused on clarifying the procedures to follow when establishing additional measures.

¶C. The committee considered, but declined to adopt, the draft

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methodology of work developed by the GESAMP-BWWG for use in reviewing proposals for approval of ballast water management systems making use of active substances according to the G9 guidelines. After significant discussion and expression of concerns by the U.S. and other delegations, the draft methodology was referred to the BWWG for further discussion and development at BLG 11 (April 2007) in preparation for reconsideration at MEPC 56.

¶3. SHIP RECYCLING - The committee convened a Ship Recycling Work Group (SRWG) which met under the chairmanship of Norway (Jens Koefoed). The SRWG report and recommendations to the MEPC plenary were adopted on October 12, 2006.

¶A. The committee agreed to the following:

- (1) that the gross tonnage number delimiting ships to which the convention applies is 500 gross tons;
- (2) not to ask the ILO-IMO-Basel convention "joint working group" to deliberate on the terms of the convention, but to defer to a subsequent MEPC meeting whether the joint working group should provide additional input under their existing terms of reference (primarily reviewing existing guidelines);
- (3) to develop guidelines (discretionary in nature) rather than codes (mandatory in nature) as implementing guidance;
- (4) to have an intersessional meeting in May 2007 hosted by the UK; and
- (5) to continue to work by means of a correspondence group coordinated by Norway.

¶B. In addition, during the SRWG process, the U.S. was successful in raising and retaining for future discussion, a number of key issues including the inappropriateness of applying the convention to vessels only used and recycled domestically.

¶C. Japan and Germany were identified to further develop guidelines on hazardous materials and ship recycling facilities. The U.S., Denmark, and the UK made it clear that they would be offering their assistance.

I.D. As expected, Basel Convention advocates - primarily Denmark, the UK, and the Basel Convention Secretariat itself - continued to push for inclusion of "equivalent levels of control" and other Basel-associated concepts into the convention. They were largely unsuccessful, but have retained the ability to continue to raise the issues.

I.E. Four countries - India, Pakistan, Bangladesh, and China, account for approximately 85 to 90 percent of the world's ship recycling capacity. Except for China, there was very limited participation on this agenda item.

I.4. AIR POLLUTION - The committee considered two main aspects under the agenda item on prevention of air pollution from ships: issues under annex VI to MARPOL 73/78 and greenhouse gas emissions from ships. Under those main aspects, the Air Pollution Working Group (APWG) chaired by Japan (Bin Nakamura) discussed various issues including: wash water discharge criteria for exhaust gas cleaning systems (egcs); egcs for sulphur oxides (sox), seca egcs (sox) unit certificate; updating the IMO greenhouse gas (GHG) study from 2000; the voluntary co2 index; inputting data from the trials by members using the co2 indexing scheme into gisis; and cooperation between IMO and ICAO.

I.A. The major issue of contention was the GHG study. Several countries, including the U.S., asked for more input into the study before the Terms of Reference (ToR) were finalized. The European countries and Japan pushed for finalization as soon as possible. The group discussed a preliminary draft of the ToR, but due to a lack of time, was not able to complete it.

I.B. Several countries presented the results of their co2 index. The results were noted and discussion on updating the co2 indexing guidelines was deferred until MEPC 58. There was discussion of how to include this information into the Global Integrated Shipping Information System (GISIS) database. The APWG created a draft of what information would be needed in the database, and asked that it be discussed at MEPC 56. Regarding cooperation between IMO and ICAO, the APWG only discussed increased communication as a means for further cooperation.

I.C. The committee recalled that it had previously approved guidelines for use of egcs to remove sox from ship emissions while operating in sox emission control areas established under MARPOL annex vi. The committee determined it was necessary to establish wash water discharge criteria for the wash water from an egcs and considered two proposals at this session, one from the UK, and a joint submission from Norway and Finland. After some discussion, the

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committee agreed to establish an intersessional correspondence group to be coordinated by the U.S. (Wayne Lundy) to develop draft criteria for wash water discharge from egcs (sox) using the submissions by the UK, Norway and Finland as base documents, and this group will report to MEPC 56.

I.5. INTERPRETATIONS AND AMENDMENTS OF MARPOL 73/78 AND RELATED INSTRUMENTS -

I.A. Oil discharge control. Six papers were submitted concerning the control of the discharge of oily wastes. They were referred to the Design and Equipment (DE) subcommittee. In addition, the committee included in the work program of the DE subcommittee and the provisional agenda of DE 50 a review of the revised guidelines for systems handling oily wastes in machinery spaces of ships (MEPC.1/circ.511), with a 2008 target completion date.

I.B. Definition of "en route." Australia presented a proposal that the term "en route" as used in MARPOL annex i should be interpreted consistent with the definition of "en route" in regulation 1.6 of revised MARPOL annex ii. Australia explained that the absence of a definition in MARPOL annex i could lead to an interpretation that discharges are permitted where a ship is under way but within internal waters or port areas. The committee agreed to a unified interpretation of "en route" in revised MARPOL annex i, regulation 15.2.1, to mirror regulation 1.6 of MARPOL annex ii, as follows:

"'en route' means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigation purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable."

¶6. IMPLEMENTATION OF THE OPRC CONVENTION AND OPRC-HNS PROTOCOL - The Secretariat briefed the committee on the status of the response to

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the oil spill in Lebanon. The U.S. delegation updated the status report to indicate the recent \$5m U.S. contract to work within the international response effort.

¶A. The committee noted that the OPRC-HNS Technical Group (TG) held its fifth session from 2-6 October 2006. The TG considered revisions to:

- (1) the proposed manual on oil spill risk evaluation and assessment of response preparedness, an IMO/UNEP manual on the assessment and restoration of environmental damage following marine oil spills;
- (2) section v of the manual on oil pollution addressing international conventions and salvage aspects;
- (3) section i of the same manual addressing prevention issues under the OPRC Convention; and
- (4) the manual on chemical pollution section which addresses legal and administrative aspects of HNS incidents.

¶B. The Technical Group also reviewed work toward an IMO introductory training course on preparedness for and response to HNS incidents and toward updating of the OPRC train-the-trainer course. The Technical Group finalized and recommended to MEPC 55 issuance of a circular describing briefing requirements for senior level executives in the event of major oil spills.

¶C. The committee noted that the OPRC-HNS group, having had its present Chairman and Vice Chairman serve the three-year term stipulated in its terms of reference, unanimously elected Mr. Mark Meza (U.S.) as the new Chairman and Mr. Nick Guinn (NZ) as the new Vice Chairman for the next three-year period.

¶7. IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS - The committee discussed two issues of significant interest with respect to Particularly Sensitive Sea Areas (PSSA). First, the committee adopted the U.S. paper that set forth a review form to ensure the robust review of future PSSA proposals.

¶A. Second, with regard to the Torres Strait, the committee considered Australia's enactment of a compulsory pilotage scheme for the Torres Strait and reiterated the recommendatory nature of MEPC resolution MEPC.133(53). This was in response to a paper submitted by the industry (ICS, INTERTANKO, BIMCO) which challenged Australia's claim that MEPC.133(53) provided a basis for the compulsory scheme. The chairman reiterated that the resolution was recommendatory vice mandatory. Singapore then intervened to urge Australia to bring their legislation in line with MEPC.133(53). In addition to the U.S., the following delegations supported Singapore: the Russian Federation, China, Japan, Norway, Greece, UK, Brazil, Trinidad and Tobago, Panama, Nigeria, Bahamas, Chile, Republic of Korea, Liberia, Latvia, Cyprus, Italy, Iran, Marshall Islands, India, Thailand, INTERTANKO, and IMPA. Australia was supported by Denmark, New Zealand, and Papua New Guinea. The UK called for

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development of IMO guidelines to rigorously examine when states may seek to make pilotage compulsory in international straits. The committee agreed with the chairman's recommendation and the record reflected that the adoption of resolution MEPC.133(53) was on a recommendatory basis.

¶8. INADEQUACY OF RECEPTION FACILITIES - The committee discussed regional arrangements for reception facilities in considering an action item following FSI 14 to develop a MEPC resolution to recognize regional arrangements for providing adequate reception facilities. The committee recalled that MEPC 44 adopted guidelines for ensuring the adequacy of port reception facilities in 2000 which

included that waste management planning on a regional basis can provide a solution. Recognizing that the guidelines already address regional arrangements and that the relevant MARPOL regulations require each party to provide reception facilities, the committee agreed that it was not appropriate to adopt a further resolution recognizing regional arrangements as satisfying MARPOL obligations, but agreed to request views at future sessions on how such arrangements may be better institutionalized.

¶9. WORK OF OTHER BODIES -

¶1A. The committee considered future funding mechanisms for GESAMP and came to no conclusions. The U.S. delegation recommended that the committee and the parties consider contracting competitively for work on approved standards now being applied by GESAMP.

¶1B. The committee accepted the report of the joint London Convention-MEPC Correspondence Group. In particular, the committee concurred with the view of the group that the approach to manage spoiled cargo in most cases would fall under the London Convention protocol. The committee also agreed to creating a working group to be undertaken under the London Convention, aimed at developing practical guidance for mariners regarding spoiled cargoes.

¶10. PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED INSTRUMENTS - The international criminal police organization (INTERPOL) presented information on its work to combat environmental crime, including illegal oil discharges from ships, and requested member states to provide to INTERPOL information on oil pollution-related prosecutions. The committee supported the request without discussion.

¶11. ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN FOR 2007 - In accordance with rule 17 of the rules and procedure, the committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and re-elected Mr. Ajoy Chatterjee (India) as Vice Chairman, both for 2007.

¶12. NEXT SESSION - MEPC 56 will be held 9-13 July 2007. Major agenda items will include ballast water management, ship recycling, and air pollution from ships.